

Amendment No. 1 to HB0087

Howell
Signature of Sponsor

AMEND Senate Bill No. 1337

House Bill No. 87*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 66-19-103(b), is amended by deleting the subsection and substituting instead:

(b) As used in this section:

(1) "Garagekeeper" means an operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of vehicles; and

(2) "Rental vehicle company" means a person or entity, or a subsidiary or affiliate of the person or entity, including a franchisee, in the business of renting vehicles to the public.

SECTION 2. Tennessee Code Annotated, Section 66-19-103, is amended by deleting "rental company" in subdivisions (a)(1)(B) and (a)(3) and substituting instead "rental vehicle company".

SECTION 3. Tennessee Code Annotated, Section 66-19-103(c), is amended by deleting the subsection and substituting instead:

(c) A person, firm, or entity shall not have a right to a lien on a vehicle that has been towed in violation of title 55, chapter 16. If the owner of the vehicle is not present, then within fifteen (15) minutes of a person, firm, or entity towing the vehicle pursuant to this chapter, the person, firm, or entity shall notify local law enforcement of the vehicle identification number (VIN), registration information, license plate number, and description of the vehicle. A violation of this notification requirement by a person, firm, or

entity is a Class A misdemeanor. Local law enforcement shall keep a record of that information, which must be available for public inspection.

SECTION 4. Tennessee Code Annotated, Section 55-16-105, is amended by:

(1) Deleting "notify by registered mail, return receipt requested," in subsection (a) and substituting instead "notify by registered mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(2) Deleting "sent by registered or certified mail, return receipt requested," in subsection (b) and substituting instead "sent by registered or certified mail, return receipt requested, or by overnight delivery using a nationally recognized carrier with proof of delivery,";

(3) Deleting "by registered mail" in subsection (c) and substituting instead "by registered mail or overnight delivery"; and

(4) Deleting "by mail" in subdivision (g)(2) and substituting instead "by mail or overnight delivery".

SECTION 5. Tennessee Code Annotated, Section 55-16-105(f), is amended by deleting the first and second sentences and substituting instead:

If an employee of a public agency, a towing company contracting with a public agency, or a towing company authorized to tow by a private property owner or the private property owner's authorized agent, takes possession of a vehicle found abandoned, immobile, or unattended, then an employee of the agency shall verify ownership through the Tennessee Information Enforcement System (TIES) and shall place the ownership information on the towing sheet or form. The agency shall also provide the ownership information to a towing company or garagekeeper with whom the agency has a contract or to a towing company authorized to tow by a private property owner or private property owner's authorized agent, as applicable.

SECTION 6. Tennessee Code Annotated, Section 55-16-105(g)(1), is amended by deleting the subdivision and substituting instead:

(1) In addition to the notification requirements of subsection (a), a garagekeeper or towing firm, which has in its possession an abandoned, immobile, or unattended motor vehicle taken into custody by a police department or authorized by a private property owner or the private property owner's authorized agent to be towed, and in whose possession the vehicle was lawfully placed by the police department or authorized to be placed by a private property owner or the private property owner's authorized agent, shall, within three (3) business days after the motor vehicle is taken into its possession, verify ownership of the motor vehicle pursuant to subsection (f). The garagekeeper or towing firm shall, within three (3) business days after receiving verification of ownership, provide notice to the last known registered owner of the motor vehicle and all lienholders of record. The notification requirements included in subsection (a) apply to the notice required to be provided by a garagekeeper or towing firm pursuant to this subdivision (g)(1).

SECTION 7. Tennessee Code Annotated, Section 55-23-103(a), is amended by deleting the language "towing motor vehicles by wrecker or otherwise and the storing of these motor vehicles" and substituting instead the language "towing motor vehicles by wrecker or otherwise or the storing of these motor vehicles".

SECTION 8. Section 3 of this act takes effect July 1, 2023, the public welfare requiring it, and applies to vehicles towed or taken into storage on or after July 1, 2023. All remaining sections of this act take effect upon becoming a law, the public welfare requiring it, and apply to vehicles towed or taken into storage on or after such date.